a patient an effective amount of an oral dosage form comprising a coated capsule containing as an active principle an omega-3 polyunsaturated acid in free acid form or a pharmaceutically acceptable salt thereof except for a lithium salt thereof, characterized in that the coating of the capsule is of a material which dissolves in a time but not pH dependent manner and is resistant to the release of the omega-3 polyunsaturated acid for a period of 30 to 60 minutes at pH 5.5.--

Remarks

The specification has been amended herewith at page 4, line 15, in the same way as in parent case Application No. 08/687,329.

As a result of the amendment to the claims herein, Claims 1, 4, 5 and 14-26 are in the case.

Claim 1 has been left in for dependency of Claims 4 and 5.

Claims 14-26 are new claims. New Claim 14 is based on allowed Claim 27 in the parent case except that the coating is not limited to a neutral polyacrylate but is described as a material which dissolves in a time but not pH dependent manner. New Claims 15-25 are based on allowed Claims 29, 30, 31, 32, 34, 35, 36 and 38-41 in the parent case but likewise are not limited to a neutral polyacrylate coating. New Claim 26 is the same as claim new Claim 22 except that it excepts lithium salts of omega-3-polyunsaturated acids (as does allowed Claim 31 in the parent case) and except that it does not refer to release location.

Claims 4, 5 and 14-26 are limited to a "time but not pH dependent" capsule coating, i.e., where the capsule coating

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material dissolves in the gastrointestinal tract in a time but not pH dependent manner.

Please note that the pH mentioned in Claims 5, 14, 22 and 26 is only a reference pH. This is, this was the pH at which the coating was tested. However, the time dependent coating of the instant invention is resistant for 30 to 60 minutes at any pH of the gastrointestinal tract.

The reference used as a basis of rejection in the parent case was Horrobin U.S. Patent No. 5,422,115 (which is Reference AB in the accompanying Information Disclosure Statement).

The capsule coating of Horrobin does not contemplate a capsule coating which is resistant to dissolving for 30 to 60 minutes at any pH of the gastrointestinal tract.

Horrobin teaches the use of lithium salts to treat Alzheimer's disease. To prevent the lithium salts from dissociating in the pH of the stomach, the oral dosage forms are coated with a gastric juice resistant release coating to carry the capsule through the stomach (column 4, lines 5-9 and column 4, line 59 to column 5, line 12). The obvious enteric coatings for such use are coatings which do not dissolve in the low pH of the stomach but do dissolve in the higher pH of the small intestine. Thus, Horrobin refers to cellulose acetate phthalate (which dissolves at about pH 6.5) and to "Eudragit coating materials." The latter reference means to one skilled in the art a pH dependent Eudragit coating (such as Eudragit L or Eudragit S which are commonly used as enteric coatings for capsules). This is because the term "gastric juice resistant" which Horrobin uses (column 4, lines 8, 9; column 4,

line 62; column 5, lines 3-4) connotes pH dependency to one skilled in the art and because Horrobin defines the term "enteric coating" as meaning a gastric juice resistant coating (column 5, lines 3-4). On the other hand, Eudragit NE 30D, as used in the present invention, is an example of a material whose dissolution is controlled only by time in the gastrointestinal tract but not pH, and to the inventors' knowledge has never before been used as an enteric coating for a liquid containing capsule. Thus, contrary to the contention in the final Office Action of 12 December 1997 in the parent case, Horrobin does not suggest the particular type of acrylate coating contemplated by the instant invention (i.e., Horrobin does not contemplate the use of time dependent capsule coating to control release of the capsule contents) but rather suggests to those skilled in the art "Eudragit coating materials" which dissolve on a pH dependent basis.

New Claim 17 is yet a further step removed from Horrobin since it excludes lithium salts of omega-3 polyunsaturated acids and the whole point in Horrobin is lithium therapy.

Claims 22-26 are also further removed from Horrobin since they relate to the treatment or reducing clinical relapse of inflammatory bowel disease; and Claim 24 is further removed in reciting reducing clinical relapse of Crohn's disease wherein the patients are in remission for less than 24 months (i.e., high relapse period) prior to treatment. Although Horrobin mentions Crohn's disease and ulcerative colitis at column 1, line 35 and column 1, lines 42/43, and column 4, line 33, effective teaching of the patent to a man skilled in the art with respect to coatings on

dosage forms of lithium salts of polyunsaturated fatty acids is with respect to treating Alzheimer's disease as is indicated by the claims in the patent and by column 4, lines 5-9 and column 4, line 59 - column 5, line 12 of the patent. Furthermore, independent method Claim 26 is far removed from any teaching in Horrobin as it excludes lithium salts and the context of Horrobin is lithium therapy.

An Information Disclosure Statement is submitted herewith which cites the documents of record in the parent application.

Allowance is requested.

Respectfully submitted,

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